



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/396,429	09/15/1999	JOHN S. HENDRICKS	5815	7434

38598 7590 02/13/2004

ANDREWS & KURTH L.L.P.  
1701 PENNSYLVANIA AVENUE, N.W. SUITE 300  
WASHINGTON, DC 20006

EXAMINER

KOENIG, ANDREW Y

ART UNIT PAPER NUMBER

2611

DATE MAILED: 02/13/2004

20

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/396,429

Applicant(s)

HENDRICKS ET AL.

Examiner

Andrew Y Koenig

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-16,18-32 and 34-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-16,18-32 and 34-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 3-16, 18-32, and 34-59 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 10-13, 15, 20-22, 44, 51-54, and 56 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 10-13 and 20-22 recite the limitations of a "four-wire connector," "multipin connector," "multipin connector ranging from type DB9 to type DB25," and a "SCSI connector." Whereas the examiner recognizes that the specification supports a hardware upgrade supporting different connectors and a card slot (665) (pg. 37, lines 9-15), there is no disclosure in the specification to support a card connected via the connector.

Claim 15 recites the limitation of "a display that indicates when the hardware upgrade is in use." There is no disclosure for a display that indicates when the upgrade is in use for any hardware upgrade with a modem.

Claim 44 recites limitations as described for use with a level A upgrade module (see page 34, lines, 18-26); there is no support in the specification for the level A upgrade module having a modem (see page 22, lines 25-29).

Claims 52-54, and 56 recite limitations as described for use with a level C upgrade module (see page 35, lines 5-15); however there is no support in the specification for the level C upgrade having a modem (see page 22, lines 25-29).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-9, 14, 16, 18, 19, and 23-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graczyk in view of Banker, Palazzi, and Granger.

Considering claims 1, 14 and 24-25, Graczyk discloses a system comprising:

- a) a television program delivery system (broadcast or cable TV) (col. 5, lines 62-68);
- b) a terminal (24,26) having a microprocessor and comprising a receiver (col. 4, line 63-66) adapted to receive at least some of the television program signals;
- c) a hardware upgrade (12) comprising:

(c1) an interface (16450 interface) (col. 7, lines 9-18) to the terminal; and

(c2) a modem (104) connected to the interface capable of communicating with one or more headends (central facilities), wherein the RC224AT processor (claimed microprocessor) is connected between the interface (16450) and the model (10464), see figure 2, col. 6, lines 24-38.

Further, Graczyk teaches that the upgrade circuit (44) is insertable into the computer via an ISA bus (col. 6, lines 62-67, figure 41).

Although Graczyk discloses a multipurpose television terminal (24,26) and that various modifications and alternative embodiments are apparent (col. 36, lines 14-20), he fails to specifically disclose a set top terminal having a microprocessor instructions for prompting generation of menus and a hardware upgrade comprising communicating and downloading data from one or more headend to a local storage, and wherein the settop terminal receives television program signals based on subscriber input as recited in the claims.

Banker discloses a system comprising:

- a) a settop terminal (40, figure 1) having microprocessor (128,136) instructions for prompting generation of menus and comprising: a television program receiver (100,150) for receiving television programs from one or more headends (10); and
- b) a modem (col. 4, lines 40-50) capable of communicating with one or more headend (10), wherein the receiver receives television program signals based on subscriber input (see the entire reference including but not limited to col. 4, lines 40-57); and wherein modem downloads data from one or more headends to a local storage (col. 6, line 59 – col. 7, line 3 and col. 7, lines 24-28).

Banker's system facilitates an efficient two-way communication, menu selection between one or more headend and a subscriber terminal with data re-programmable and downloadable dynamic features.

It would have been obvious to one of ordinary skill in the art to modify Graczyk's system to include a set top terminal having a microprocessor instructions for prompting generation of menus and a downloading data from one or more headend to a local storage, and wherein the settop terminal receives television program signals based on subscriber input, as taught by Banker, for the advantage of creating an efficient two-way, menu selection with dynamic re-programmable and downloadable data processing set top terminal in communication with one or more headend.

Banker fails to specifically disclose an output that accepts data signals from the modem and a modem that downloads data from one or more headend to a local storage as recited in the claim.

Palazzi discloses a television terminal comprising a television program receiver (11), a modem (4) an output (9, 10, 15) connected to the receiver (11) and modem (4), wherein the output accepts television program signals from the receiver and data signals from the modem and wherein the modem downloads data from one or more central facility (headend) to a local storage. Palazzi's system provides an efficient system for creating an interactive display terminal for accessing information stored at a central facility and for downloading data for later retrieval. See abstract, col. 3, line 64 - col. 4, line 44 and col. 6, lines 17-38

It would have been obvious to one of ordinary skill in the art to modify Banker's system to include an output that accepts data signals from a modem and a modem that downloads data from a central facility (such as a headend) to a local storage, as taught by Palazzi, for the advantages of providing an efficient interactive display terminal that accesses information stored at a central facility and downloads data to a local storage for later retrieval.

Graczyk teaches upgrading a computer system with a modem, further Banker teaches the use of a modem in a set top terminal; however Graczyk and Banker are silent on a set top terminal with a hardware upgrade. Granger teaches a set top converter (claimed set top terminal) that receives a switching module, which is an upgrade module (see figures 6 and 7, col. 7, lines 20-27). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Graczyk and Banker by having an upgrade for a set top terminal as taught by Granger in order to provide additional functionality to an existing terminal and reducing the cost of the set top terminal before the upgrade.

Claim 3 is met by the combined systems of Graczyk and Banker, wherein Graczyk discloses memory (108,110) connected to the processor (RC224) of the hardware upgrade (fig. 2).

Considering claims 4-9, the combined systems of Graczyk and Banker disclose monitoring financial news via a financial news network in col. 5, lines 3-14 (Graczyk). They fail to specifically disclose that the modem is capable of communicating with interactive service, the interactive service is outside the television program delivery

system, the interactive service is selected from the group consisting of home shopping, airline reservations, news, financial information, advertisement, home banking and interactive text, communicating with an on-line database and the on-line database is outside the television program delivery system as recited in the claims.

Palazzi discloses a modem that is capable of communicating with several interactive services and/or on-line databases wherein the interactive services/on-line databases are outside the television network. This provides a terminal with the ability to efficiently communicate with various networks, interactive services and databases. See the entire reference including but not limited to column 1, line 5 - column 4, line 45, column 5, lines 63-66 and column 9, line 60 - column. 10, line 35.

It would have been obvious to one of ordinary skill in the art to modify the combined systems of Graczyk and Banker (if necessary) to include a modem capable of communicating with interactive service, the interactive service is outside the television program delivery system, the interactive service is selected from the group consisting of home shopping, airline reservations, news, financial information, advertisement, home banking and interactive text, communicating with an on-line database and the on-line database is outside the television program delivery system, as taught by Palazzi, for the advantage of providing a terminal with the ability to efficiently communicate with various networks, services and databases.

Claim 16 is met by the combined systems of Graczyk and Banker, wherein Graczyk discloses an expansion slot in figure 45 that accepts the interface connector as indicated in figure 41.



Claim 19 is met by the combined systems of Graczyk and Banker, wherein Graczyk discloses/illustrates the additional cards, connectors or modules in figures 42, 43 and 44. Note also that figure 45 illustrates the capability of accepting additional cards or boards or modules.

Claim 23 is met by the combined systems of Graczyk and Banker, wherein Graczyk discloses audio program reception hardware (see 18-figure 1 or 530-figure 43 or 510-figure 44).

As for claim 18, Graczyk and Banker disclose an electronic visual communication system and more particularly a multi-purpose computerized television system (Graczyk, col. 1, lines 5-10). They also disclosed that various modifications and alternative embodiments are apparent to a person skill in the art. (Graczyk, col. 36, lines 14-22). However, they fail to specifically disclose that the terminal is an HDTV terminal as recited in the claim.

The examiner takes Official Notice that HDTV terminals are notoriously old and well-known terminals in the art for receiving high-resolution television signals and these terminals can be integrated with any other television receiving apparatus.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the combined systems of Graczyk and Banker to include the terminal to be a HDTV terminal because it is a well-known, readily available and modifiable terminal for receiving high-resolution television signals.

As for claims 26-29, Graczyk and Banker disclose receiving television signals from broadcast and cable television stations (col. 5, lines 61-68). However, they fail to

specifically disclose an operations center, one or more headends and a satellite broadcasting system as recited in the claims.

The examiner takes Official Notice that an operations center (a central facility to a headend or master headend), one or more headends and a satellite broadcasting system are notoriously old and well-known communication stations that broadcast television signals to subscribers. At these stations (headend, central facilities), television programs are received, processed and prepared for transmission to subscribers.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the combined systems of Graczyk and Banker (if necessary) to include an operations center, one or more headends and a satellite broadcast system because these are typical places where television signals are received processed and prepared for transmission to subscribers.

6. Claims 30-42, 45-50, 55, and 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palazzi (of record) and Banker et al. (Banker).

Considering claim 30, Banker discloses a television terminal (40,44, or 48) having microprocessor (128,136) instructions for prompting generation of menus, the television terminal comprising:

a) a television program receiver (100,150) for receiving television programs from one or more headends (10);

- b) an interface (124, 126) to the television terminal for receiving and processing subscriber input (col. 5, lines 7-25);
- c) modem (col. 4, lines 40-50) capable of communicating with one or more headend (10), wherein the receiver receives television program signals based on subscriber input (see the entire reference including but not limited to col. 4, lines 40-57), wherein the terminal downloads data from one or more headends to a local storage (col. 6, line 59 – col. 7, line 3 and col. 7, lines 24-28);
- d) an output (142, TV 42) connected to the receiver (100,150) and the modem, wherein the output accepts television program signals from the receiver.

However, Banker fails to specifically disclose an output that accepts data signals from the modem and a modem that downloads data from one or more headend to a local storage as recited in the claim.

Palazzi discloses a television terminal comprising a television program receiver (11), a modem (4) an output (9, 10, 15) connected to the receiver (11) and modem (4), wherein the output accepts television program signals from the receiver and data signals from the modem and wherein the modem downloads data from one or more central facility (headend) to a local storage. Palazzi's system provides an efficient system for creating an interactive display terminal for accessing information stored at a central facility and for downloading data for later retrieval. See abstract, col. 3, line 64 - col. 4, line 44 and col. 6, lines 17-38

It would have been obvious to one of ordinary skill in the art to modify Banker's system to include an output that accepts data signals from a modem and a modem that

downloads data from a central facility (such as a headend) to a local storage, as taught by Palazzi, for the advantages of providing an efficient interactive display terminal that accesses information stored at a central facility and downloads data to a local storage for later retrieval.

Additionally, it would have been obvious to one of ordinary skill in the art to modify Banker's system (if necessary) to include downloading data from a headend to local storage in a television terminal via a modem since Palazzi demonstrated that modems are used to receive data for local storage in a television terminal from central facilities.

Palazzi and Banker both teaches the use of modems. Graczyk teaches upgrading a computer system with a modem, further Banker teaches the use of a modem in a set top terminal; however Graczyk is silent on a set top terminal with a hardware upgrade. Granger teaches a set top converter (claimed set top terminal) that receives a switching module, which is an upgrade module (see figures 6 and 7, col. 7, lines 20-27). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Graczyk and Banker by having an upgrade for a set top terminal as taught by Granger in order to provide additional functionality to an existing terminal and reducing the cost of the set top terminal before the upgrade.

Claim 31 is met by the combined systems of Banker and Palazzi, wherein Banker discloses television (42,46 or 50, figure 1) and Palazzi discloses television (15).

Claim 32 is met by the combined systems of Banker and Palazzi, wherein Palazzi discloses a connector port (10) and Banker's modulator (142) is inherently connected to television (42) via a connector port.

Claim 33 is met by the combined systems of Banker and Palazzi, wherein Banker discloses microprocessor (128, 136) and Palazzi discloses a microprocessor (5).

Claim 34 is met by the combined systems of Banker and Palazzi, wherein Banker discloses a memory (137,134) and Palazzi discloses a memory at col. 6, lines 18-45, 53-54, col. 7, lines 62-68 and col. 9, lines 20-40.

Claims 35-39 are met by the combined systems of Banker and Palazzi, wherein Palazzi discloses interactive services/on-line databases provided by the host databases that are external to the television program delivery system throughout the entire reference including but not limited to column 1, line 5 - column 4, line 45, column 5, lines 63-66 and column 9, line 60 - column. 10, line 35.

Claim 40 are met by the combined systems of Banker and Palazzi, wherein Palazzi discloses online database(s) containing travel information, stock quotation and other data throughout the reference including but not limited to col. 1, lines 15-23, col. 3, lines 25-60 and col. 9, line 60 - col. 10, line 35.

Claim 41 are met by the combined systems of Banker and Palazzi, wherein Palazzi discloses HDTV capability in col. 6, lines 55-64.

Considering claim 42, Banker discloses a method for delivering television programs through a television delivery system (figure 1) with menu selection of programs (figures 5-9) comprising

- a) receiving (100,150) a television program from one or more headends (10);
- b) receiving subscriber input through an interface (124, 126) within a set top terminal, the set top terminal having a microprocessor (128,136) instructions for prompting generation of menus (col. 5, lines 7-25);
- c) communicating through a modem (col. 4, lines 40-50) with one or more headend (10), comprising transmitting data based on subscriber input (see the entire reference including but not limited to col. 4, lines 40-57); and
- d) displaying television programs.

However, Banker fails to specifically disclose receiving data from one or more headend and displaying television program and/or information based on the received data as recited in the claim.

Palazzi, discloses a method comprising:

- a) receiving a television program (11) (col. 7, lines 54-61);
- b) receiving subscriber input (col. 5, lines 63-66 & col. 8, line 23 - col. 9, line 20);
- c) communicating through a modem comprising:
  - (c1) transmitting data based on subscriber input via (keyboard 12) (col. 7, line 62 - col. 9, line 20)
  - (c2) receiving data (col. 5, lines 63-66 and col. 9, lines 2-20); and
- d) displaying the television program and/or information based on the received data (see the entire reference including but not limited to col. 3, line 64 - col. 4, line 16, col. 7, lines 54-61 and col. 9, lines 4-29). Palazzi's system provides an efficient system for

creating an interactive display terminal for accessing information stored in remote computer databases. See abstract, col. 3, line 64 - col. 4, line 44.

It would have been obvious to one of ordinary skill in the art to modify Banker's system to include receiving data from one or more headend and displaying television program and/or information based on the received data, as taught by Palazzi, for the advantages of providing an efficient interactive display terminal that accesses information stored in remote computer databases and that provides a display of television programs and/or information.

Palazzi and Banker both teaches the use of modems. Graczyk teaches upgrading a computer system with a modem, further Banker teaches the use of a modem in a set top terminal; however Graczyk is silent on a set top terminal with a hardware upgrade. Granger teaches a set top converter (claimed set top terminal) that receives a switching module, which is an upgrade module (see figures 6 and 7, col. 7, lines 20-27). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Graczyk and Banker by having an upgrade for a set top terminal as taught by Granger in order to provide additional functionality to an existing terminal and reducing the cost of the set top terminal before the upgrade.

Claims 45-49 are met by the combined systems of Banker and Palazzi, wherein Palazzi discloses interactive services/on-line databases provided by the host databases that are external to the television program delivery system throughout the entire reference including but not limited to column 1, line 5 - column 4, line 45, column 5, lines 63-66 and column 9, line 60 - column. 10, line 35.

Claim 50 is met by the combined systems of Banker and Palazzi, wherein Palazzi discloses that online database contains travel information, stock quotation and other data throughout the reference including but not limited to col. 1, lines 15-23, col. 3, lines 25-60 and col. 9, line 60 - col. 10, line 35.

Claim 55 is met by the combined systems of Banker and Palazzi, wherein Palazzi discloses processing of stored digital data throughout the reference including but not limited col. 6, lines 18-64 and col. 9, lines 20-40.

Claim 58 is met by the combined systems of Banker and Palazzi, wherein Palazzi discloses remote input from keypad (16), keyboard (12) or the keyboard connected to the CPU via a wireless link (see illustration in figure 1).

Claim 59 is met by is met by the combined systems of Banker and Palazzi, wherein Banker discloses menu generation in figures 5-9 and Palazzi discloses generating menus at col. 9, lines 13-40 and col. 10, lines 16-18.

8. Claims 43-44 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banker and Palazzi, as applied to claims 42 and 51 above, and further in view of Vogel (of record).

Considering claims 43-44, Banker and Palazzi disclose receiving various types of data but they fail to specifically disclose that the data is information concerning television program and that the information is selected from a group consisting of quizzes, facts, geographical information and product information as recited in the claims.



Vogel discloses data/information concerning television programs (program schedule). Program schedule information includes facts and description of television programs. See the entire reference including but not limited to col. 3, lines 45-65 and col. 8, lines 36-46.

It would have been obvious to one of ordinary skill in the art to modify the combined systems of Banker and Palazzi to include information concerning a television program and that the information is to be selected from a group consisting of at least quizzes, facts, geographical information and product information, as taught by Vogel, for the typical advantage of receiving program schedule information about programs to inform viewers about current and future television programs.

Claim 57 is met by the combined systems of Banker, Palazzi and Vogel, because Vogel discloses monitoring for reception of the program schedule information and then retrieving digital data after the reception of the program schedule information in col. 3, line 2 - col. 4, line 5.

D) Applicant traverses the Official Notice taken in the Office Action on page 6 of the amendment.

In response, the Examiner has now provided references supporting the Official Notices below:

D1) The examiner takes Official Notice that it is notoriously well known in the art to utilize four-wire connectors and multi-pin connectors ranging from DB9-DB25 to connect one device to another. These are readily available low cost connectors used in

television and/or computer terminals and they provide a convenient way to connect and dis-connect devices and electronic products.

Hoppal et al. (5195022) disclose multi-pin connectors including four-wire connector (454) throughout the reference including but not limited to figure 4 and column 4, lines 47-66.

Robberts et al. (4747785) disclose DB9-DB25 connectors throughout the reference including but not limited to column 2.

D2) The examiner takes Official Notice that HDTV terminals are notoriously old and well known terminals in the art for receiving high resolution television signals and these terminals can be integrated with any other television receiving apparatus.

Wachob (5231494) discloses HDTV terminal (22) in figure 1.

D3) The examiner takes Official Notice that an operations center (a central facility to a headend or master headend), one or more headends and a satellite broadcasting system are notoriously old and well known communication stations that broadcast television signals to subscribers. At these stations (headend, central facilities), television programs are received, processed and prepared for transmission to subscribers.

Esch (5,283,639) discloses an operations center (London 31) and satellite broadcasting system throughout the entire reference including but not limited to figures 1-6, column 3, lines 45-65 and column 4, lines 32-35.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y Koenig whose telephone number is (703) 306-0399. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ayk



**VIVEK SRIVASTAVA**  
**PRIMARY EXAMINER**